

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JORGE GONZALEZ,

Plaintiff,

v.

SERGEANT JANTZEN,

Defendant.

OPINION AND ORDER

10-cv-619-wmc

On January 20, 2011, this court granted plaintiff Jorge Gonzalez leave to proceed on his claim against defendant Sergeant Jantzen. The defendant answered on March 1, 2011 and that same day the court set a telephonic preliminary pretrial conference for April 22, 2011, instructing plaintiff to call into the court at 8:30 a.m. The court mailed its notice of this hearing to the post office box provided by plaintiff, who had been released from state custody. Plaintiff did not call into the court on April 22, 2011 and he did not call later to explain what had happened. The court does not have a telephone number for plaintiff at which it can attempt to contact him.

The court reset the conference for May 5, 2011 and again mailed its notice to the address provided by plaintiff. Plaintiff did not call into the court. The court nevertheless convened the telephonic hearing to ask the assistant attorney general if he had heard from plaintiff or if he had any information about plaintiff that might account for his failure to participate in the telephonic pretrial conferences. The assistant attorney general had not heard from plaintiff and had no explanation for plaintiff's failure to attend to this lawsuit.

The court will give plaintiff a third and final chance to participate in a telephonic pretrial conference. The conference is reset to May 19, 2011 at 10:30 a.m. Plaintiff must call the court

at 608-264-5153 at that time. If plaintiff has good cause the prevents him from participating in this call at this time, he must notify the court before May 19 and explain what the problem is. Otherwise, if plaintiff fails a third time to participate in the telephonic pretrial conference, then the court likely will dismiss his lawsuit for failure to prosecute it.

Entered this 5th day of May, 2011.

BY THE COURT

/s/

STEPHEN L. CROCKER
Magistrate Judge